DOCUMENT RESUME

ED 204 463 UD 021 531

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TITLE Refugees and Forced Migration: Need for New Definition.
PUB DATE Apr 81
NOTE 17p.: Paper presented at the Annual Meeting of the Association of American Geographers (Los Angeles, CA, April, 1981).

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS Definitions: Economic Factors: Legal Problems: *Migrants: *Migration: Political Influences: *Refugees: *Relocation

ABSTRACT

A significant component of modern migrants are refugees or displaced persons. Historically, most involuntary migrants readily found permanent asylum in the traditional immigrant receiving countries of the New World. This situation is changing. Source areas of refugees have shifted from the European arena to the Third World, and the causes of flight have taken on new dimensions. Traditional concepts of who is a "refugee" need to be rethought, because many of today's forced migrants no longer fit such definitions. This paper examines the nature of contemporary forced migrations and calls for a redefinition of the concept of "refugee." Some of the considerations that are suggested for the formulation of a new definition include: (1) the degree of involuntariness of the refugee's decision to migrate: (2) the distinction between political and nonpolitical motivations: (3) whether the migration is international or intranational: and (4) the question of whether or not the migrant is accorded legal recognition as a refugee by his country of asylum. (Author/APM)

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ED204463

REFUGEES AND FORCED MIGRATION: NEED FOR NEW DEFINITION

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Paper presented to the Annual Meeting of the Association of American Geographers, Los Angeles, April 1981.

CG 021531

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This paper arises from ongoing research on Africa's refugee dilemma. Africa's forced migrations have been a product of a much broader range of causes than was the case with the majority of European or Asian refugee movements of the previous two decades. In addition to direct political confrontations, African refugee movements have also been due to tribal hostilities, because of religious beliefs and a result of guerrilla wars against colonial or white-supremacist domination. Furthermore, ecological disasters such as the Sahelian, Ethiopian and Somali droughts have also generated massive flights of migrants. For the analyst of human migration types and patterns, these forced migrations constitute a sizeable component of total mobility, and consequently should be accorded attention equal to that normally placed upon labour migrations or urbanization. However, a better understanding of the continent's forced migratory movements is hindered by a dearth of data, and even moreso, by the fact that many of the movements do not readily fall into the discreet definitions for refugees adopted by the international community or its agencies such the UNHCR .

While my initial thoughts on the problem of definition of "refugees" focussed specifically on Africa's experience, it is clear that many of these concerns apply generally to third-world countries, where today most of the world's refugees are being generated.

SOME COMMON DIMENSIONS OF THE CONCEPT OF "REFUGEE"

Let us first of all look at what is usually understood by the term "refugee", and how such an understanding is reflected in legal definitions utilized by agenices involved with refugees. At the outset, realize that there is no succinct definition for "refugees" which

adequately encompasses all concepts and characteristics associated with this form of forced migration. Consequently, there exists considerable divergence between popular percepts of refugees and legal definitions that have been variously adopted.

The most commonly accepted image of a refugee is of a person impelled to evacuate his normal place of residence, have done so at short notice, often without chattel, and consequently is in need of material assistance. Hence, Vernant's definition that:

> "... a refugee is .... someone who is homeless, uprooted; a helpless casualty, diminished in all his circumstances, the victim of events for which, at least as an individual, he cannot be held responsible,"

may serve as a starting point for an understanding of refugee characteristics and a discussion of refugee definitions.

One of the most fundamental concepts present in all definitions is that a refugee's movement is involuntary. However, there exist considerable degrees of "involuntariness" among refugee movements. Petersen for example, recognized this in his migration typology by distinguishing between forced migrations, where migrants have no choice but to move, and impelled migrations, where migrants are pressured to move, but the ultimate decision to move remains theirs'. This distinction is effectively illustrated by post-war German refugees, where the term Flüchtlinge was used for refugees who moved of their own accord, and the term Vertriebene was used for those forcibly expelled. Thus, although it is normal to consider refugee movements as involuntary, it is important to recognize that for many migrants, a choice of whether or not to move remains with the refugee. His decision in turn, is a direct response to the intensity of pressures exerted upon him on the one hand, and his ability to withstand

or adapt to these pressures on the other. Hence there is a marked difference in the degree of "involuntariness" associated with (a) refugees that are expelled by a state authority, such as post-war German minorities from Eastern Europe; (b) refugees who flee persecution or fear thereof and who, had they not undertaken the migration, may have been incarcerated or killed, as for example Eritreans who fled to Sudan; and (c) refugees who migrate because of an inability to reconcile themselves to changing socio-political climates, and where the consequence of not migrating may have resulted in little more than a loss of economic or social status, as may have been the case for many Cubans or South Vietnamese. All the above migrants were accorded refugee status, but it is clear that some of these migrations were much more involuntary than others.

Another concept which is often implicit in the term "refugee" is that the migrant has crossed an international border. Indeed, most legal definitions stress the international character of refugees. However, there are many instances where intranational migrants clearly exhibit refugee characteristics. Civil wars for example, frequently generate as many refugees within a country as they do across borders to neighbouring nations. Clearly it is as realistic to recognize as a refugee a Greek displaced from the Turkish occupied north-shore of Cyprus, as it is an Eritrean fleeing to Eastern Sudan. Yet most legal definitions for refugees preclude persons displaced within their country, or indeed, those displaced or forced to relocate within divided countries. Hence, refugees from East to West Germany, from North to South Vietnam or even from Mainland China to Hong Kong, were never accorded international recognition as refugees.

Notwithstanding this lack of legal recognition, however, the UNHCR often extends its mandate beyond the strict legal limits set by its statute, by invoking the Good Offices of the High Commissioner. In this way relief and assistance are provided to migrants who clearly exhibit refugee characteristics without legally recognizing them as such. The good offices provision was first employed in 1957 to tackle the problem of Chinese refugees in Hong Kong; has since been used in such places as Cyprus and Lebanon; and is now accepted as a means by which the international agency circumverts the constraints of its statute. Moreover, it effectively emphasizes the constraints of strict legal definitions of refugees and recognize that there exists today large bodies of intranational refugees.

A further dimension to the problem of defining refugees is that of whether or not the migrants are accorded official recognition as refugees by their country of asylum. Unless a country of asylum recognizes an immigrant community as refugees, it is normally unlikely that any international agency will, nor any potential third country of resettlement. The UNHCR, for example, is unable to extend recognition to a refugee community if the asylum country refuses to recognize the migrants as refugees. There are many instances in Africa where receiving countries have failed to bestow refugee status on immigrants, even when there is indisputable evidence that the migrants were politically motivated to relocate across a border. Such action may appear paradoxical, since, by not according refugee status upon the migrants, a country of asylum precludes itself from receiving external assistance for which it would normally be eligible. However, political expediency may dictate

otherwise. A country of asylum may be fearful of alienating its neighbour by the action of bestowing refugee status on migrants.

Attempts therefore, at arriving at comprehensive definitions of "refugees" must include a number of basic conceptual parameters. These may be summarized as:

(a) the degree of "involuntariness" of the refugees' decision to migrate, and particularly the distinction between where the decision to migrate is made by the State or by the migrant;

(b) the distinction between political and non-political motivations;

(c) the international or intranational direction of the migration; and

(d) the question of whether or not the migrant is accorded legal recognition as a refugee by his country of asylum.

There are currently no legal definitions of refugees which attempt to include all of these concepts. Indeed, it is doubtful whether such a comprehensive definition could ever be arrived at, let alone implemented. Definitions of refugees will always be frustrated by the existence of an extensive "grey area", where certain refugee characteristics may be present, yet the migrations may well be motivated by other factors.

It is especially because of this question of degree of "voluntariness" that these "grey areas" are today of a much greater magnitude than hitherto. They have become accentuated by the fact that most of the world's refugees are currently drawn from developing countries, yet the principal countries of permanent asylum remain the western industrialized states. Consequently, refugees fortunate enough to be resettled in third countries of permanent asylum in the developed world, not only find freedom from the forces that initiated their movement, but are also

moving into regions of higher socio-economic opportunities.

The significance of this point is that today there must be a greater questioning of whether in fact refugees are truly "political" motivated migrants, or whether they are using their status of "refugee" to achieve economic migratory objectives. This has certainly been the case in several African refugee migrations, such as the large Guinean exile communities in Ivory Coast and Senegal, or even some of the Ethiopians in Sudan. While these migrants do not expect resettlement in industrialized countries, they clearly benefit from the more dynamic economies of their host countries. The same argument must be applied to the recent large flows of migrants to the U.S. from Cuba and Haiti. To what extent are many of these migrants really politically motivated? Or are their principal objectives economic? There is no simple answer to these questions, and this illustrates the increasing ambiguity in the term "refugee".

THE PRINCIPAL LEGAL DEFINITIONS

Given that there is considerable ambiguity about who is today a refugee, it is worth considering the principal legal definitions. It is important that such definitions be understood, since virtually all data on refugees are derived from these agencies, and hence the comprehensiveness of available data can be gauged. Moreover, when recognizing the shortcomings of legal definitions vis-a-vis broader popular concepts, it should be appreciated that such definitions must operate within parameters set by international law, and where legitimate interests of sovereign states have to be respected. Consequently, it is found that two themes dominate most legal definitions for refugees, namely:

(a) that persons or groups of persons qualifying for refugee status

must have left the territory of the State of which they were nationals; and

(b) that events which are the root-cause of a person becoming a refugee derive from relations between the State and its nationals,

The IRO was established in 1947 by the United Nations Organization to deal with the pressing refugee problem created by World War II. The refugees recognized by the IRO were a wide group, but all were in response to political factors and were international. Thus it can be seen that the primary objective of the IRO was to provide assistance in the European arena. The definition of refugees adopted by the international community was defined at the 1951 Convention on Refugees, where Article 1 summarized a refugee specifically as:

> "... individual who as a result of events occurring before January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fears unwilling to avail himself of the protection of that country; or, who, not having a nationality and being outside the country of his habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it."

This definition was subsequently adopted by the UNHCR when it replaced the IRO in 1951. The UNHCR, like its predecessor, initially focused its activities primarily upon Europe. However, as conflicts around the world generated new refugee communities outside the European arena, the constraints of the 1951 definition for refugees were recognized, and particularly the need to delete the dateline "...before January 1951...". It was not, however, until the Protocol Relating to the Status of Refugees was adopted in 1967, that the UNHCR's mandate was given wider powers of recognition.

After the 1950s, the areas of refugee origin shifted increasingly away from Europe, with Asia, Latin America and Africa becoming the primary source of refugees, and it is with the growing refugee problem in Africa since 1960, that the limitations of the UNHCR definition became most apparent. In particular, the UNHCR definition was not sufficiently flexible to include people fleeing their home territories as a consequence of the increasing confrontation with the remaining colonial governments and with white-supremacist southern Africa. Because of this limitation, the Organization for African Unity (OAU) adopted its own definition for refugees in 1969. The OAU therefore defined as refugees persons:

> "... who through aggression, occupation, foreign domination or events gravely disturbing public order in part or in all of his country of origin or the country which he has the nationality, is obliged to leave his usual place of residence to seek refugee outside this country."

The principal significance of the OAU definition is its recognition as refugees of persons fleeing colonial domination.

A TYPOLOGY FOR REFUGEES

The foregoing comments demonstrate that there exists today considerable ambiguity over the question of who is a refugee. Clearly legal definitions are unlikely to ever encompass all degrees of "refugeeness" in any involuntary migrant population. Consequently, the migration analyst using "official" data sources, must appreciate that his sources will be incomplete or only partial enumerations.

This paper does not attempt to put together a comprehensive definition for "refugees" which will include all the contemporary dimensions of such migrations. Indeed, it is highly questionable whether such a definition could ever be derived. Instead, this paper concludes

with a typology of refugees. This typology was initially developed to bring some order to the diversity of refugee movements in Africa. It may, however, have broader applicability.

In Figure 1, this typology differentiates, in the first instance, refugees that are impelled or forced to move. In the former case, the individual or group makes the decision to move, while in the latter, the decision is made by the State or some agency of the State, and the individual has no choice whether or not to move. Four groups of objective can then be discerned, of which three are likely to generate migrants with distinct refugee characteristics. This in turn allows us to discern seven types of refugees - some of which are more readily recognized as refugees; others may not be in the first instance, but, on closer examination, exhibit many of the characteristics associated with the other, more readily recognizable refugees.

Figure 2 examines these seven categories of refugees in terms of sets of criteria that have been applied by various migration analyst at one time or another to derive migration typologies. Some of these are more applicable to the African situation, such as the characteristics dealing with origin from white ruled or independent country. I have applied these criteria to the African situation in Figure 2, and the following Figures summarize the major characteristics associated with each of the seven groups of refugees:

ESCAPEES:

- Mostly Rural Origin
- Caused By Political Factors
- Can Be In Exile For Either Permanent Or Temporary Durations
- Are Anticipatory Rather Than Acute
- Usually Politically Passive Rather Than Active
- Have Been Generated From Both Independent And White-Ruled States
- Are Mostly International And Hence Are Normally Accorded Legal Recognition
- Some May Have Economic Motives

VICTIMS OF HOSTILITIES:
- Mostly Of Rural Origin
- Caused By Political Factors
- Can Be In Exile For Either Permanent Or Temporary Durations
- Are Acute Movements And Usually Politically Passive
- Have Been Generated From Both Independent And White-Ruled Countries
- Can Be Either International or Intranational
- Are Normally Accorded Legal Recognition If International
- No Immediate Economic Motives

REFUGEES-SUR-PLACE:
- Mostly Of Urban Origins
- Caused By Political Factors
- Mostly In Permanent Exile
- Acute Rather Than Anticipatory
- Politically Active Rather Than Passive
- Originating Mainly From Independent Countries
- Are International And Accorded Legal Recognition
- May Have Some Economic Motivation

EVACUEES:
- Mostly of Urban Origin
- Caused By Political Factors
- Exile Is Permanent
- Acute Rather Than Anticipatory Movement
- Politically Active Rather Than Passive
- Originating From Former White-Ruled Countries
- International But Not Normally Legally Recognized
- May Have Economic Motives

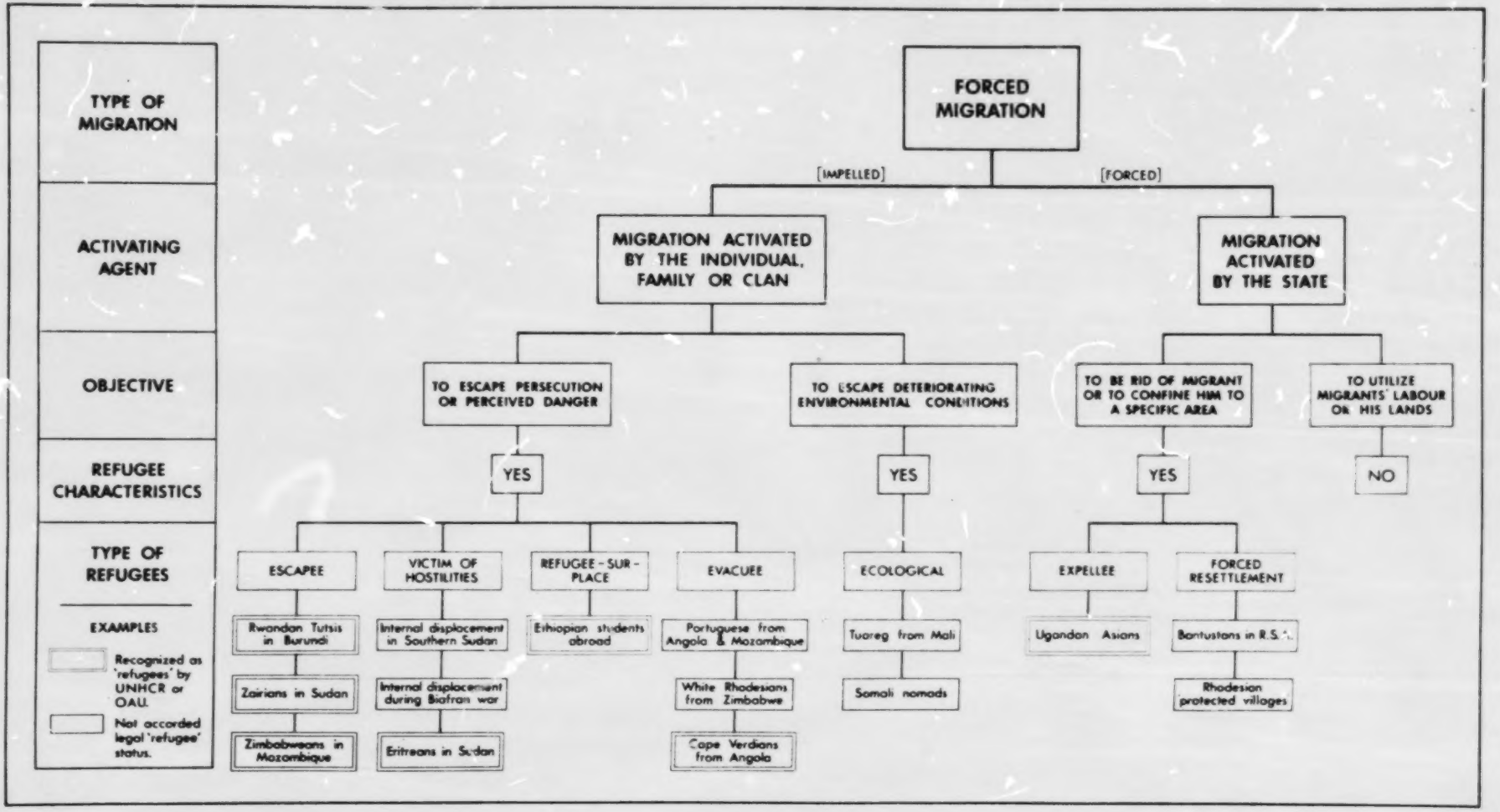
ECOLOGICAL:
- Rural Origin
- Non-Political Causes
- Exile Usually Temporary
- Movement Acute
- Can Be Both International And Intranational
- Not Given Legal Recognition As Refugees
- Have Economic Motives

EXPELLEE:
- Mostly Of Urban Origin
- Caused By Political Factors
- Exile Permanent
- Acute Movement
- Politcally Passive Rather Than Active
- Originating From Independent Countries
- International And Normally Accorded Legal Recognition
- No Economic Motives

FORCED RESETTLEMENT:
- Mainly Of Rural Origin
- Caused By Political Factors
- Mainly Permanent Exile
- Acute Movement And Politically Passive
- Associated With White-Ruled Countries
- Intranational And Not Given Legal Recognition As Refugees
- No Economic Motives

This typology does not claim to be exhaustive, and it is recognized that some of the categories suggested here are not discreet ones. Nevertheless, its purpose is to provide a descriptive framework in which to analyze the diversity of contemporary forced migrations. By recognizing this diverse character of refugees, and hence not being restricting to only legally recognized refugees, the full spectrum of forced migrants can be investigated. Undoubtably the typology discussed here can be further refined, as can the generalized characteristics associated with each of the seven types. However, in the absence of substantive primary data sources for current forced migrations, the seven-fold typology introduced here should meet some of the initial needs of most analysts of forced migrations.

A TYPOLOGY OF FORCED MIGRATION IN AFRICA



SOME CHARACTERISTICS OF REFUGEES

REFUGEE TYPES \ CHARACTERISTICS	Rural origin	Urban origin	Political cause	Non-political cause	Permanent exile	Temporary exile	Anticipatory movement	Acute movement	Politically active	Politically passive	Origin from white ruled areas	Origin from independant country	International	Intranational	Recognized by UNHCR	Not recognized by UNHCR	Clearly non-economic motivation	Possible economic motives
ESCAPEES	M	O	E		EITHER		E		O[1]	M	EITHER		M	O	M		M	O
VICTIMS OF HOSTILITIES	M	O	E		EITHER			E	O[1]	M	EITHER		EITHER		M[2]	O	E	
REFUGEE-SUR-PLACE		M	E		M			E	M			M	E		M		M	O
EVACUEE		M	E		E		O	M	M		M[3]		E		O	M		O
ECOLOGICAL	E			E		M		E	n/a		n/a		EITHER			E		M
EXPELLEE		M	E		E			E	O	M		M	E		M		E	
FORCED RESETTLEMENT	M		E		M			E		M	E			E		E	E	

Key: E - exclusively O - occasionally
M - mainly n/a - not applicable

Comments: [1] *Passive migrants may become active once in exile.*
[2] *Recognized if international.*
[3] *Migrants are mostly of European origin.*